

R.A.1

COMMONWEALTH OF MASSACHUSETTS

WORCESTER,ss

WORCESTER SUPERIOR COURT
DOCKET NO.: 2002-00830

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff

vs.

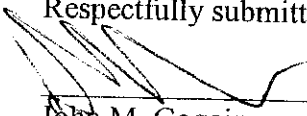
ANTHONY LEO,
Defendant

MOTION TO WITHDRAW

Counsel hereby requests that this Honorable Court allow counsel to withdraw from representation of defendant in the above-captioned matter and as reasons states the following:

1. Counsel believes that the attorney/client relationship is irretrievably broken with no chance of repair.
2. Defendant has been extraordinarily critical of counsel's efforts and advice and representation of defendant to the point of being abusive. Defendant has made non-specific threat against counsel.
3. Counsel has sought over the course of the representation to remedy these issues on numerous occasions and no longer feels that he can do that.
4. Defendant refuses to follow counsel's advice on numerous issues to the point where it has and will continue to effect counsel's defense of defendant and his representation. Defendant is dissatisfied with counsel's representation.
5. Counsel firmly believes that based on the environment with defendant that counsel cannot effectively represent the defendant.
6. Counsel believes that if another attorney is involved and can start a fresh with defendant that these issues may be resolved.

Respectfully submitted


John M. Goggins
FISHER, STEMLER, FISHER & GOGGINS
47 Harvard Street
Worcester, MA 01609
Telephone: (508) 791-3466
BBO # 631254

DATED: 2/26/04

R.A.2

FISHER, STEMLER, FISHER & GOGGINS

COUNSELORS AT LAW

47 HARVARD STREET

WORCESTER, MASSACHUSETTS 01609-2876

CONRAD W. FISHER
HOWARD E. STEMLER
ELIZABETH A. FISHER
JOHN M. GOGGINS

TELEPHONE: (508) 791-3466
(508) 754-6464
FACSIMILE: (508) 797-9327

March 26, 2003

Anthony Leo-A83901
MCI Concord
P.O. Box 9106
Concord, MA 01742

Dear Anthony:

Enclosed please find two copies of the letters I have sent concerning Dr. Starasburger advising him of your status as well as a letter to MCI Concord Officials requesting that he be allowed to visit you.

I would like to take this opportunity to address the March 19, 2003 letter that you handed to me. I trust that since we spoke on March 19, 2003 that all the issues that you raised in this letter have been resolved. However let me recap some of them.

You and I jointly agreed that on March 19, 2003 that we would not do a further bail hearing in front of Judge McCann in Worcester Superior Court for a variety of reasons. Also you and I agreed that I would request a Motion for Funds to get the transcripts for you July 18, 2002 bail hearing before Judge Kern and as soon as the transcripts are available I will file an appeal on your bail status to the Single Justice of the Supreme Judicial Court.

I will reiterate to you that I am doing my best for you and my job among other things is to provide the best possible defense I can for you and I believe that I am pursuing that with all of my abilities to do so. As far as communication, which is referenced in your letter. If my memory serves correctly you have called many times collect and I have always accepted the calls and have had many discussions over the telephone and I asked that you continue to call me collect anytime you have any concerns or questions that you feel should be addressed. The only times that my secretaries do not accept your call is if I am not in the office, although I believe even then they accept the phone call and inform you that I am not in the office.

Strasburger will see you within 4 weeks and have an evaluation complete within 8 weeks. Additionally within a week or so I should have the transcripts from your bail hearing and then I will file an appeal up in the Supreme Judicial Court within the next 2 weeks after.

Also, pursuant to our conversation, you have authorized me to have communications with your mother concerning this case and indeed should you have any difficulties contacting me to address any of your concerns or issues call your mother and please have her give me a call and I can call her back at night.

I believe these address all of the concerns in your letter concerning my representation of you and if you have any other questions please do not hesitate to contact me.

Sincerely,

John M. Goggins

JMG/jmw
Enclosures

R.A.3

Anthony Leo
O.C.C.C. A- 83901
One Administration Road
Bridgewater, Massachusetts 02324

March 13, 2004

Susan Mellen
Clerk of the Court
Supreme Judicial Court
One Beacon Street, 3rd. Floor
Boston, Massachusetts 02108-3106

RE: Commonwealth v. Anthony Leo, No:#SJ-2003-0258, and
Anthony Leo V. Commonwealth, No:#SJC-09074

Dear Ms. Mellen:

Please send me the following for:

SJ-2003-0258

1. PAPER #2 (with attachments)
2. PAPER #4 (with attachments)
3. PAPER #5 (with attachments)

and for:

SJC-09074

4. PAPER #4 (WITH ATTACHMENTS)

R.A. 3

The reason for this request is that recently I have learned that counsel of record Attorney John M. Goggins, has file with this Court his formal Notice of Withdrawal from representation in SJC-09074. This Court has provisionally granted this motion on the condition that new counsel files a formal appearance with this Court on my behalf.

Attorney, John M. Goggins, has also withdrawn from my criminal case in the Worcester Superior Court No:#WOCR2002-0830 (1-8). There has been new counsel appointed to represent me in this case, a Attorney Daniel W. Cronin, however, Attorney Cronin has informed me that he is not authorized to represent me in this Court No:SJC-09074, and will not be representing me in this appeal.

I am now for all intensive purposed forced to appear pro se because of Attorney, John M. Goggins', abandonment of me in this case.

As such I respectfully request that this Honorable Court send me the document requested in this letter. Because even after several written and oral requests to Attorney John M. Goggins to send me all the Motions, Brief, and supporting documents he has failed to do so.

I anticipate that I will be filing a Motion to Stay, these proceedings, and a Motion to Amend Brief in SJC-09074 within the next week following this letter.

R.A.3

Thank you for your attention to this matter.

Sincerely,
Anthony Leo
Anthony Leo

AL/afc

c.c.: John M. Goggins, Esq.
Daniel W. Cronin, Esq.
File

R.A.3

Anthony Leo
O.C.C.C. A-83901
One Administration Road
Bridgewater, Massachusetts 02324

April 6, 2004

Susan Mellen
Clerk of the Court
Supreme Judicial Court
One Beacon Street, 3rd, Floor
Boston, Massachusetts 02108-3106

RE: Commonwealth v. Anthony Leo, No:#SJ-2003-0258

Dear Ms. Mellen:

Please send me the following:

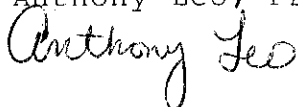
1. PAPER #2 [with attachments]
2. PAPER #4 [with attachments]
3. PAPER #5 [with attachments]

This is my second request for these documents the first being made on March 12,2004. If there is a reason unknown to me why this Court cannot send me these requested documents as proof of official record please notify me in writing. My now withdrawn counsel John M. Goggins, Esq., has not and will not provide me the defendant with copies as I have requested them several times from him.

Thank you for your attention to this matter.

Sincerely,

Anthony Leo, Pro Se



AL/afc
c.c.: File

R.A. 4

Anthony Leo (A-83901)
Old Colony Correctional Center
One Administration Road
Bridgewater, Massachusetts 02324

March 22, 2004

Susan Mellen
Clerk of the Court
Supreme Judicial Court
One Beacon Street, 3rd. Floor
Boston, Massachusetts 02108-3106

RE: Anthony Leo v. Commonwealth, No:#SJC-09074

Dear Ms. Mellen:

Enclosed please find for immediate filing the following:

1. NOTICE OF APPEARANCE
2. MOTION FOR STAY OF APPEAL
3. MOTION TO AMEND BRIEF AND APPENDIX
4. MOTION FOR ORDER DIRECTING FORMER COUNSEL
JOHN M. GOGGINS TO SUPPLY APPELLANT, ANTHONY LEO,
WITH COPY'S OF MOTION TO SINGLE JUSTICE AND BRIEF
AND APPENDIX AND TRANSCRIPT.
5. CERTIFICATE OF SERVICE

Thank you for your attention to this matter.

Sincerely, *Anthony Leo*
Anthony Leo, pro se, pro tempore

AL/afc

Enclosure:

c.c.: John M. Goggins, Esq.
Daniel W. Cronin, Esq.
File

R.A.4

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPREME JUDICIAL COURT
SJC-09074

ANTHONY LEO,)
Appellant,)
v.)
COMMONWEALTH,)
Appellee.)

MOTION FOR LEAVE TO AMEND
BRIEF AND APPENDIX

Now comes the Appellant, Anthony Leo, in the above appeal and moves this Honorable Court for leave to amend the brief and appendix in this appeal filed by former counsel, John M. Goggins, Esq.

As grounds for this motion, the Appellant, Anthony Leo, states that former counsel, John M. Goggins, on March 5, 2004, filed his formal notice to withdraw with this Court. That former counsel John M. Goggins, did not discuss the issues raised in this appeal prior to filing said brief and appendix with this Court. As such the Appellant, Anthony Leo, does not know just what issues were raised in this appeal.

R.A.4

Further, since former counsel John M. Goggins, formal abandonment of the Appellant, Anthony Leo, in this appeal it is in the interest of justice to grant this motion.

Wherefore, the Appellant, Anthony Leo, respectfully requests that this Honorable Court GRANT the relief sought in the body of this motion.

March 22, 2004

Respectfully Submitted
by the Appellant, *Anthony Leo*
Anthony Leo, pro se, pro tempore
Old Colony Correctional Center
One Administration Road
Bridgewater, Massachusetts 02324

R.A. 4

until replacement counsel can be sought and files a formal notice of appearance, and or that the Appellant, Anthony Leo, will have to prosecute this appeal pro se. Further, that former counsel, John M. Goggins, has not previously supplied the Appellant, Anthony Leo, with any documents related to this appeal.

Wherefore, the Appellant, Anthony Leo, respectfully requests that this Honorable Court GRANT the relief sought in the body of this motion.

March 22, 2004

Respectfully Submitted
by the Appellant, *Anthony Leo*
Anthony Leo, pro se, pro tempore
Old Colony Correctional Center
One Administration Road
Bridgewater, Massachusetts 02324

R.A. 4

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPREME JUDICIAL COURT
SJC-09074

ANTHONY LEO,
 Appellant,
v.
COMMONWEALTH,
 Appellee.

CERTIFICATE OF SERVICE

I, Anthony Leo, hereby certify that I have served a true copy of the foregoing motions upon:

John M. Goggins, Esq.
Attorney at Law
57 Harvard Street
Worcester, Massachusetts
01609

Daniel W. Cronin, Esq.
Attorney at Law
P.O. Box 676
Lunenburg, Massachusetts
01462

by first class mail postage prepaid on this 22 of March, 2004.

Anthony Leo
Anthony Leo, pro se, pro tempore
Old Colony Correctional Center
One Administration Road
Bridgewater, Massachusetts
02324

R.A.5

Anthony Leo
O.C.C.C.
One Administration Road
Bridgewater, Massachusetts 02324

April 5, 2004

Daniel W. Cronin
Attorney at Law
P.O. Box 676
Lunenburg, Massachusetts 01462

RE: MY WORCESTER CASE

Dear Mr. Cronin:

I am writing in response to my last telephone conversation with you, which you informed me that my case is too difficult for you to represent me and will not be able to continue as counsel in my case.

Further, you informed me that on the next scheduled Court date on April 12, 2004 you will be filing a Motion to Withdraw from my case.

Please send me a copy of this Motion to Withdraw and accompanying Affidavit in Support thereof, prior to the April 12, 2004 date.

Also, please return to me everything that I have sent to you which includes cite law cases, summary's, reports, etc., along with the Motion to Dismiss, for my files.

Thank you for your attention to this matter.

Sincerely,

Anthony Leo
Anthony Leo

AL/afc
C.C.: File

TRIAL COURT

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT
CRIM. NO. 02-0830COMMONWEALTH OF
MASSACHUSETTS

vs.

ANTHONY LEO,
Defendant

MOTION TO WITHDRAW

NOW COMES undersigned counsel, who requests leave to withdraw as counsel for the following reasons:

1. Defendant is in custody in Bridgewater, MA and has had at least three (3) attorneys previously appointed.
2. I am a solo practitioner admitted since 1986, with an emphasis as a trial lawyer in civil and criminal cases.
3. I accepted the appointment in this case on or about February 26, 2004 and began my investigation in early March, 2004.
4. The defendant writes my office at least 3 times per week and telephones about 2 times per week. A component of this case is pending at the SJC and this is my first pre-trial appearance in this action.
5. My busy trial schedule does not permit me time to properly devote attention to this action, and I request leave to withdraw.

Respectfully

Daniel W. Conlin
BBO # 548200

April 12, 2004

Anthony Leo
O.C.C.C.
One Administration Road
Bridgewater, Massachusetts 02324

April 16, 2004

~~NANCY BENNETT~~
~~Andrew Silverman, Esq.~~
~~Deputy Chief Counsel~~
Public Defenders Division
Committee For Public Counsel Services
44 Bromfield street
Boston, Massachusetts 02108-4909

RE: APPOINTMENT OF COUNSEL

~~NANCY BENNETT~~
Dear ~~Mr. Silverman~~:

I am writing to request that C.P.C.S. appoint appellate counsel in SJC-09074, Anthony Leo v. Commonwealth, which is an appeal to the full bench from the denial of a single justice pursuant to G.L. c. 211, § 3 petition on the denial of bail review in the Worcester Superior Court.

This appeal from the denial of the single justice was appealed on 07/28/2003 and former counsel John Goggins filed his brief on 10/06/2003. On 03/05/2004 Attorney Goggins filed his motion to withdraw as appellate counsel which the SJC provisionally allowed upon the condition that new counsel file a notice of appearance. It should be noted that Attorney Goggins also withdrew as trial counsel that this bail appeal stems from.

As such I am not without counsel for this appeal from a denial of bail review. My trial in the Worcester Superior is still pending and I want to have my bail lowered.

R.A. 6

This appeal from the denial of a Worcester Superior Court Judge first went to Single Justice Sosman, J., and the brief filed on 10/06/2003, no opposition was requested by the Court in accordance SJC Rule 2:21.

The appeal has been pending before the SJC after my brief was filed for approximately Six (6) months now. This appeal as it addresses a bail review in a criminal case that is still pending should have been placed on a fast track and the SJC should have rendered its decision immediately.

Please respond in writing A.S.A.P.

Thank you for your attention to this matter.

Sincerely,

Anthony Leo

Anthony Leo 4/16/04

AL/afc
c.c.: file

R.A. 7



The Commonwealth of Massachusetts
Committee for Public Counsel Services
44 Bromfield Street, Boston, MA 02108

WILLIAM J. LEAHY
CHIEF COUNSEL

TEL: (617) 482-6212
FAX: (617) 988-8495

PATRICIA A. WYNN
DEPUTY CHIEF COUNSEL
PRIVATE COUNSEL DIVISION

ANDREW SILVERMAN
DEPUTY CHIEF COUNSEL
PUBLIC DEFENDER DIVISION

May 5, 2004

Mr. Anthony M. Leo, A83901
Old Colony Correctional Center
1 Administration Road
Bridgewater, MA 02324

Dear Mr. Leo,

I apologize for the delay in responding to your letter dated February 29, 2004. I suggest that you discuss the matter of a bail reduction with your current trial attorney. We are available to consult with your attorney regarding this issue. If your trial attorney is court appointed and will not address the issue, you may file a complaint with Attorney Nancy Bennett at the above address.

Good luck to you.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'David Nathanson'.

David Nathanson
Staff Attorney
Criminal Appeals Unit
Private Counsel Division

R.A. 8

OFFICE OF THE BAR COUNSEL
BOARD OF BAR OVERSEERS OF THE SUPREME JUDICIAL COURT
75 Federal Street
Boston, Massachusetts 02110
(617) 728-8750
Fax: (617) 357-1866
www.mass.gov/obcbbo

DANIEL C. CRANE
BAR COUNSEL

October 28, 2002

LEGAL CORRESPONDENCE

Mr. Anthony M. Leo
MCI Concord
P.O. Box 9106
Concord, MA 01742

Dear Mr. Leo:

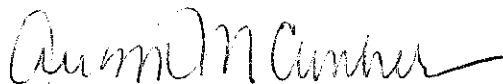
We are in receipt of your recent correspondence, which is enclosed for your convenience.

The Office of the Bar Counsel investigates complaints of ethical misconduct against attorneys registered to practice in the Commonwealth of Massachusetts. Our jurisdiction is limited to violations of the Massachusetts Rules of Professional Conduct that regulate the practice of law in this state. The office cannot provide legal advice or representation, nor can we assist you with your case. Further, we do not in the first instance have jurisdiction over claims of ineffective assistance of counsel.

If you are dissatisfied with Mr. Roemer's representation, I can only suggest that you so advise the Court. You might also contact the Committee for Public Counsel Services to determine whether you can obtain other representation. The Committee can be reached at 44 Bromfield Street, Boston, MA 02108, telephone number (617) 482-6212.

A copy of your correspondence will be retained in our records for ninety days.

Sincerely,



Alison Mills Cloutier
Assistant Bar Counsel

Enclosure